

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION**

February 23, 2015

These meeting minutes represent an "action minute" format with a concise summary of the meeting. A video of the meeting may be viewed on the City's website at www.costamesaca.gov or purchased on DVD upon request.

Commissioner McCarthy led in the Pledge of Allegiance.

ROLL CALL

Present: Vice-Chair Robert Dickson
Commissioner Colin McCarthy
Commissioner Jeff Mathews
Commissioner Tim Sesler
Commissioner Stephan Andranian

Absent: None

Staff: Claire Flynn, Assistant Development Services Director
Yolanda Summerhill, Planning Commission Counsel
Fariba Fazeli, City Engineer
Mel Lee, Senior Planner
Stephanie Roxas, Associate Planner
Martha Rosales, Recording Secretary

ELECTION OF OFFICERS

Election of Chair

MOTION: Elect Vice-Chair Dickson for Chair of the Planning Commission. Moved by Commissioner Sesler, seconded by Commissioner Mathews.

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian
Noes: None
Absent: None
Abstained: None

Election of Vice-Chair

MOTION: Elect Commissioner Mathews for Vice-Chair of the Planning Commission. Moved by Commissioner Sesler, seconded by Chair Dickson.

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian
Noes: None
Absent: None
Abstained: None

Appointment of City/NMUSD Liaison

The Commission decided to keep the City/NMUSD Liaison Committee member status quo (Commissioner McCarthy, Primary Liaison; Chair Dickson, Alternate Liaison). No vote taken.

PUBLIC COMMENTS

Beth Refakes, Costa Mesa resident representing the Costa Mesa Military Affairs Team, reported they were collecting Easter items thru Friday, March 27, 2015 for the 1/5 Troop. A trunk was located on the 1st Floor of City Hall for the Easter items.

Ann Parker, Costa Mesa resident, inquired about the City's policy for public noticing and asked if Costa Mesa could implement a certified mail procedure.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Chair Dickson announced the passing of Mr. Henry Segerstrom and read a passage of his life and contributions to Costa Mesa. Each Commissioner paid their respects to the Segerstrom Family.

Commissioner Andranian invited the public to a question and answer session regarding Costa Mesa's 14-13 Ordinance (Sober Living Homes) on Wednesday, March 4th at 6 p.m. in the multi-purpose room of College Park Elementary School, 2380 Notre Dame Road.

Commissioner McCarthy spoke about a 9th Circuit decision for Woody's Wharf in the City of Newport Beach, gave an update regarding the OCC Project and thanked Ms. Fazeli and the Public Services Team for beautifying the streets of Costa Mesa.

CONSENT CALENDAR:

1. Minutes for the meeting of February 8, 2015.
2. General Plan Conformity Resolution for vacation of a portion of right-of-way of Fullerton Avenue on the property located at 155 Flower Street

RESOLUTION 15-10 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE CITY OF COSTA MESA'S VACATION OF A PORTION OF RIGHT-OF-WAY ON THE PROPERTY OF 155 FLOWER STREET IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN AND WILL SERVE THE PUBLIC INTEREST AND IS A PUBLIC BENEFIT.

MOTION: Approve Consent Calendar items. Moved by Commissioner McCarthy, seconded by Commissioner Sesler.

The motion carried by the following roll call vote:

Ayes:	Dickson, Mathews, McCarthy, Sesler, Andranian
Noes:	None
Absent:	None
Abstained:	None

PUBLIC HEARINGS:

1. **Application No.** PA-14-48, R-14-05 and TT-17824; Master Plan Development for a 13-Unit, Two-Story Residential Development with a Rezone and Tentative Tract Map at 2880 Mesa Verde Drive East

Applicant: Pinnacle Residential
Site Address: 2880 Mesa Verda Drive East
Zone: I & R
Project Planner: Mel Lee

Environmental

Determination: The project is categorically exempt under Section 15332 of the State CEQA (California Environmental Quality Act) Guidelines – Class 32 (In-Fill Development Projects).

Description: The proposed project involves the following:

1. **Rezone R-14-05:** An ordinance to rezone the 2-acre site from I&R (Institutional and Recreational) to PDR-LD (Planned Development Residential—Low Density). The maximum allowable General Plan density would be 16 dwelling units at a density of 8 dwelling units per acre.
2. **Planning Application PA-14-48:** Master Plan for the development of a 13-unit, two-story detached residential development at a density of 6.5 dwelling units per acre. The Master Plan also includes the following requested deviations from Zoning Code requirements:
 - Variance from perimeter open space requirement for location of block walls (20 feet required, 3 feet proposed on Mesa Verde Drive East);
 - Administrative Adjustment from perimeter open space requirement for buildings (20 feet required, 13 feet proposed on Andros Street);
3. **Tentative Tract Map T-17824:** Subdivision of property into fee simple lots for homeownership.

Mel Lee, Senior Planner, reported the applicant was reviewing comments received from Mesa Verde residents and possibly making modifications to the proposed development; hence, the request for a continuance to the first meeting in March.

PUBLIC COMMENTS - None

MOTION: Continue Planning Application PA-14-48 to the March 9, 2015 Planning Commission meeting. Moved by Commissioner McCarthy, seconded by Commissioner Andranian.

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian
Noes: None
Absent: None
Abstained: None

2. **Application No.:** PA-14-40: Ganahl Lumber Hardware Store and Outdoor Storage Yard at a Site Owned by the County of Orange at 1100 South Bristol Street
Applicant: Patrick Ganahl
Site Address: 1100 Bristol Street
Zone: C1
Project Planner: Mel Lee
Environmental
Determination: Initial Study/Mitigated Negative Declaration

Description:

1. ***Initial Study/Mitigated Negative Declaration (IS/MND):*** The environmental document was completed in accordance with the Lead Agency's Guidelines implementing the California Environmental Quality Act and has been made available for public review from January 23, 2015, to February 22, 2015. The Initial Study/MND found that the environmental effects from the project would be less than significant with the incorporation of standard conditions and mitigation measures. This document analyzes the environmental impacts of the project and describes mitigation measures and conditions of approval to minimize impacts to below a level of significance.

2. ***Planning Application PA-14-40:***

- *Development Review* for the construction of a 65,263 square foot building materials retail store with administrative offices (Main Building A). A total of 286 parking spaces are proposed; 108 parking stalls would be provided on the roof of the retail building; and 178 at-grade parking stalls would be provided throughout the project site;
- *Variance* from front setback requirement for the parking lot, B Shed and Mill Shed along Bristol Street (20-foot setback required; 10-foot setback proposed);
- *Variance* from maximum building height for the solar photovoltaic canopy and elevator overrun on Main Building A (30-foot maximum height allowed; 34 feet to the solar canopy and 41 feet to the top of the elevator proposed);
- *Variance* from maximum building height for the B Shed (30-foot maximum allowed; 34 feet proposed);
- *Conditional Use Permit* for the proposed outdoor storage yard consisting of three sheds (B Shed, Mill Shed, and Pole Shed) totaling 40,925 square feet; and
- *Planned Signing Program* to allow the proposed 24-foot high freestanding sign (12 feet allowed, 24 feet proposed).

Mel Lee, Senior Planner, presented the staff report that consisted of two components 1) proposed adoption of California Environmental Quality Act Initial Study and Mitigated Negative Declaration and 2) approval of Planning Application PA-14-40 that included development review for the overall project and several code deviations. Mr. Lee advised the Supplemental Memo contained additional Conditions of Approval by staff. Two pieces of correspondence opposing the project were received. Mr. Lee responded to questions from the Commission.

Ryan Bensley from LSA Associates provided explanations for the issues addressed on the February 23, 2015 correspondence from Palmieri, Tyler, Wiener, Wilhelm & Waldron.

PUBLIC COMMENTS

The Ganahl Team gave a presentation regarding the history of the Ganahl business, the proposed project and addressed LED lighting, traffic impacts, noise mitigation measures, solar panels, height issues and B Shed materials. Members of the Ganahl Team who spoke were Peter Ganahl, CEO of Ganahl Lumber; Bob Carpenter, Project Architect with Onyx Architects; Peter Naghavi, Infocus Consultants and Mike Schumacher, General Manager.

Jay Humphrey, Costa Mesa resident, liked the proposed project but expressed concern with the Commission setting precedence.

Beth Refakes, Costa Mesa resident, spoke about the pros and cons of the project.

Joe Miller, representing the owners of 1072 Bristol, was opposed to the proposed project due to its character, large scale and incompatible use (industrial for the lumber yard).

Erin Naderi from the law firm Palmieri Tyler, representing the owners of 1072 Bristol Street, did not have the chance to review the additional Conditions of Approval in the Supplemental Memo because they were not provided with a copy. Ms. Naderi respectfully disagreed with the responses staff provided to their objection letter. She urged the Commission not to adopt the Initial Study/Mitigated Negative Declaration and deny the project.

MOTION: Approve Planning Application PA-14-40 and Initial Study/Mitigated Negative Declaration by adoption of the Planning Commission resolution, based on the evidence in the record and the Findings set forth in Exhibit A, subject to the Conditions of Approval in Exhibit B with the following added Conditions of Approval:

27. Design and construct the improvements required for providing a signalized access to the project site at the intersection of Bristol Street and Newport Boulevard Northbound. The applicant will be responsible for procuring all applicable permits and approvals from Caltrans and City of Costa Mesa prior to beginning of construction.
28. Trees within the 10-foot landscape setback along the Bristol Street frontage shall complement the tabebuia avellanedae street trees required to be planted within the public right-of-way per Code Requirement number 34. The applicant shall contact the City Arborist for preferred tree types and additional information.
29. Prior to issuance of a building permit, applicant shall remit documentation verifying the approval of: (a) Required encroachment permit from the California Department of Transportation (Caltrans) and (b) Ground lease from the Orange County Flood Control District. The Development Services Director may modify/extend the timing of the required submissions as necessary.
30. The applicant shall submit a transition management plan to the satisfaction of the Development Services Director that provides a cohesive plan for the closures of the existing operation and opening of the project prior to the issuance of certificate of occupancy.
31. The applicant shall provide enhanced building treatment and materials on the B Shed and Mill Shed elevations facing Bristol Street, subject to review and approval by the Development Services Director.

Moved by Commissioner McCarthy, Chair Dickson.

RESOLUTION NO. 15-11 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND APPROVING PLANNING APPLICATION PA-14-40 FOR THE RELOCATION AND EXPANSION OF GANAHL LUMBER LOCATED AT 1100 BRISTOL STREET

The motion carried by the following roll call vote:

Ayes:	Dickson, Mathews, McCarthy, Sesler, Andranian
Noes:	None
Absent:	None
Abstained:	None

Chair Dickson explained the appeal process.

3. **Application No.:** 14-49: Variance from a Rear Yard Setback for a Two-Story Single Family Residence and Attached Second Unit at 456 Abbie Way
Applicant: Phil Nielsen
Site Address: 456 Abbie Way
Project Planner: Stephanie Roxas
Environmental Determination: The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (existing facilities).

Description: The proposed project involves the following:

- **Variance** to reduce the rear yard setback requirements for a single-family residence and attached second unit (10 feet minimum required for one-story structures and 20 feet for two-story structures; 5 feet 11 inches proposed for one-story and two-story additions).

Stephanie Roxas, Associate Planner, presented the staff report and responded to questions from the Commission regarding rear yard setback requirements, disposition of non-conforming buildings and Conditions of Approval Nos. 5 and 7.

PUBLIC COMMENTS

Alan Kirkland, property owner, spoke about the proposed second story addition and responded to questions from the Commissioners.

Ann Parker, Costa Mesa resident, asked why 456 Abbie had two mailboxes, expressed concern with East Side residences having illegal, rear garage-converted homes and asked if there were rules that governed renting illegal structures.

Jay Humphrey, Costa Mesa resident, noted the staff report did not have pictures from the Harper side looking towards the property to visualize any impacts the second-story might have on Harper Park. He stated the rules regarding granny flats should be kept as consistent as possible.

In closing, Mr. Kirkland confirmed having one mailbox for his property, a second mailbox for his neighbor and no renters in their home. He responded to questions from the Commission regarding the 5-foot setback and screening hedges in between Harper Park.

Chair Dickson spoke about granny flats and asked staff to provide information regarding changes the State had made and code amendments. Ms. Flynn briefed the Commission on the changes and code amendments pertaining to granny flats.

Commissioners McCarthy and Andranian struggled with the project because it did not meet all the requirements. Commissioner Andrianian inquired about the current enforcement mechanism that would ensure compliance of Condition of Approval No. 7.

MOTION: Deny Planning Application PA-14-49 without prejudice by adoption of the Planning Commission resolution, based on the evidence in the record and the Findings set forth in Exhibit A. Moved by Commissioner McCarthy, seconded by Commissioner Andranian.

SUBSTITUTE MOTION: Approve Planning Application PA-14-49 by adoption of the Planning Commission resolution, based on the evidence in the record and the

Findings set forth in Exhibit A and subject to the modified Conditions of Approval set forth in Exhibit B as follows:

Revise to read:

5. The second unit shall be served from the same utility meters (electric, gas and water) as the main dwelling unit on the property.

RESOLUTION NO. 15-12 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION 14-49 FOR A VARIANCE FROM REAR YARD SETBACKS FOR A SINGLE-FAMILY RESIDENCE AND ATTACHED SECOND UNIT AT 456 ABBIE WAY

Substitute motion moved by Chair Dickson, seconded by Commissioner Sesler.

The substitute motion carried by the following roll call vote:

Ayes: Dickson, Mathews, Sesler
Noes: Andranian, McCarthy
Absent: None
Abstained: None

Chair Dickson explained the appeal process.

NEW BUSINESS ITEM(S):

1. **Proposed amendment to the City's Municipal Code regarding vaping, smoking and hookah establishments**

Stephanie Roxas presented the staff report.

PUBLIC COMMENTS:

Ann Parker, Costa Mesa resident, spoke about having a moratorium on vaping. Chair Dickson explained why they could not have a vaping moratorium.

The Commission provided feedback for the proposed regulations pertaining to vaping, smoking and hookah establishments

DEPARTMENTAL REPORT(S)

1. Public Services Report – None.
2. Economic and Development Services Report – None.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, MARCH 9, 2015.

Submitted by:



CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION